

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Karina Herrera	Team: Squad #2	CCRB Case #: 201709144	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/02/2017 7:00 PM	Location of Incident: 77th Precinct Stationhouse	Precinct: 77	18 Mo. SOL 5/2/2019	EO SOL 5/2/2019	
Date/Time CV Reported Fri, 11/03/2017 10:10 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 11/03/2017 10:10 AM		
Complainant/Victim	Type	Home Address			
Witness(es)	Home Address				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Shalendra Beharry	17133	957371	077 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Shalendra Beharry	Abuse: Police Officer Shalendra Beharry did not process § 87(2)(b) s complaint regarding officers.				

Case Summary

On November 3, 2017, § 87(2)(b) filed the following complaint with the CCRB via the agency's website.

At approximately 5:53 p.m. on November 2, 2017, § 87(2)(b) picked up his wife, § 87(2)(b) from the § 87(2)(b) and was driving home when a police vehicle stopped his vehicle on Atlantic Avenue and Albany Avenue in Brooklyn. Two officers, Police Officer Shalendra Beharry and Police Officer Robert Wetzel of the 77th Precinct, approached § 87(2)(b)'s vehicle and told him that he was pulled over for not wearing a seat belt. Police Officer Beharry issued § 87(2)(b) a summons for the violation (Board Review 01) and the officers left.

At approximately 7:00 p.m., after he dropped off his wife at home, § 87(2)(b) went to the 77th Precinct Stationhouse in Brooklyn and spoke to Police Officer Beharry. § 87(2)(b) asked Police Officer Beharry for his partner's name. Police Officer Beharry wrote "PO Wetzel" on the back of § 87(2)(b)'s summons. § 87(2)(b) then asked Police Officer Beharry for a CCRB complaint form. Police Officer Beharry wrote "CCRB.com" on the back of § 87(2)(b)'s summons (Board Review 01) and allegedly told § 87(2)(b) to get the form via the internet. § 87(2)(b) left the stationhouse and when he arrived home, he used his computer to go to the website "CCRB.com," but the link did not work (**Allegation A: Abuse of Authority - Failure to Process Civilian Complaint**, § 87(2)(g)).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Shalendra Beharry did not process § 87(2)(b)'s complaint regarding officers.

This complaint was submitted via the agency's website on November 3, 2017. § 87(2)(b) provided a telephone statement on November 9, 2017 (Board Review 02), and was interviewed at the CCRB on November 15, 2017. § 87(2)(b) provided a telephone statement on November 17, 2017 (Board Review 03). Police Officer Beharry was interviewed on December 19, 2017. Police Officer Joshua Phillips of the 77th Precinct was interviewed on January 17, 2018.

It is undisputed that Police Officer Beharry and Police Officer Wetzel stopped § 87(2)(b)'s vehicle and issued him a summons for not wearing a seatbelt. § 87(2)(b) went to the 77th Precinct Stationhouse in regards to his summons and spoke to Police Officer Beharry. § 87(2)(b) asked Police Officer Beharry for Police Officer Wetzel's name. Police Officer Beharry wrote "PO Wetzel" on the back of § 87(2)(b)'s summons. § 87(2)(b) told Police Officer Beharry that he also wanted to file a CCRB complaint in regards to the incident. Police Officer Beharry wrote "CCRB.com" on the back of § 87(2)(b)'s summons underneath "PO Wetzel" (Board Review 01). In dispute is whether Police Officer Beharry fulfilled his obligation in providing § 87(2)(b) a method to filing his complaint with the CCRB.

§ 87(2)(b) stated that after he was pulled over, he dropped off § 87(2)(b) at home and he drove to the 77th Precinct Stationhouse alone. Upon entering the stationhouse, § 87(2)(b) spoke to an unidentified officer in the waiting room and told him that he wanted to speak to a supervisor. § 87(2)(b) explained to the unidentified officer what had happened during the vehicle stop and

showed him the summons that he had received. The unidentified officer told § 87(2)(b) that he should not worry and should instead send the summons to traffic court and mark it as “not guilty,” which made § 87(2)(b) feel as though the unidentified officer did not want to get the supervisor. § 87(2)(b) asked the unidentified officer for a CCRB complaint form. The unidentified officer replied, “Can you sit down there? An officer wants to talk to you.”

Several minutes later, Police Officer Beharry appeared at the 77th Precinct Stationhouse and approached § 87(2)(b). § 87(2)(b) asked Police Officer Beharry for Police Officer Wetzel’s name. Police Officer Beharry wrote “PO Wetzel” on the back of § 87(2)(b)’s summons. § 87(2)(b) then asked Police Officer Beharry for a CCRB complaint form. Police Officer Beharry did not give § 87(2)(b) a CCRB form; instead, Police Officer Beharry wrote “CCRB.com” on the back of § 87(2)(b)’s summons underneath “PO Wetzel” (Board Review 01). § 87(2)(b) left the stationhouse and went home. At some point, § 87(2)(b) attempted to go to “CCRB.com” on the internet, but the link did not work.

Since § 87(2)(b) went to the 77th Precinct Stationhouse alone, § 87(2)(b) did not witness Police Officer Beharry and § 87(2)(b)’s conversation. § 87(2)(b) was only present for the vehicle stop, which was not pleaded as an allegation because § 87(2)(b) was issued a summons for the same violation the officers had observed.

Police Officer Beharry stated that he received a call from the Telephone Switchboard (T/S) Operator on this date who told him that a male individual from a vehicle stop was at the 77th Precinct Stationhouse and wanted to speak to him. Police Officer Beharry did not recall who was the T/S Operator, but he knew he was a male individual. Police Officer Beharry arrived to the stationhouse shortly after and saw § 87(2)(b). § 87(2)(b) told Police Officer Beharry that he wanted to file a CCRB complaint because he was wearing a seatbelt at the time that his vehicle was stopped. Police Officer Beharry informed § 87(2)(b) that he could argue his summons in traffic court. § 87(2)(b) told Police Officer Beharry that he still wanted to file a CCRB complaint.

Police Officer Beharry used his personal cellphone to search for “CCRB” on Google. Police Officer Beharry found the URL “CCRB.com” through his search and wrote it down on the back of § 87(2)(b)’s summons so § 87(2)(b) could remember which website to use to file his complaint (Board Review 01). During his CCRB interview, Police Officer Beharry reviewed a copy of the back of § 87(2)(b)’s summons and confirmed that the writing on the back appeared to be his own (Police Officer Beharry’s) handwriting. Police Officer Beharry also verbally provided the CCRB’s telephone number to § 87(2)(b) though he did not write it down for him, as he did for the website link; Police Officer Beharry did not recall why he did not write it down. § 87(2)(b) shook Police Officer Beharry’s hand and left the stationhouse.

Although Police Officer Beharry did not give § 87(2)(b) a CCRB form, he believed that he fulfilled his obligation to provide § 87(2)(b) a form by giving him a link to a website where § 87(2)(b) could get it. Police Officer Beharry did not know why § 87(2)(b) was unable to access the CCRB’s website through the URL that he provided. No one else was present during Police Officer Beharry’s conversation with § 87(2)(b) and Police Officer Beharry did not see § 87(2)(b) speaking to any other officers.

The investigation was unable to identify the officer who initially spoke to § 87(2)(b) at the stationhouse. § 87(2)(b) described the unidentified officer as a white male, but the 77th Precinct's Roll Call during Tour 3 showed that Police Officer Ashley Griffith of the 77th Precinct, who is a dark-skinned black male (Board Review 09), was the T/S Operator (Board Review 04).

A Google search for "CCRB" was performed and none of the results listed had "CCRB.com" as the URL. The CCRB's actual website is "www.nyc.gov/ccrb," and this is the first result that appears when a person searches for "CCRB" via Google. An internet search for "CCRB.com" was conducted and the network server showed an automated message indicating that the website was not in service (Board Review 05).

According to Patrol Guide Procedure 207-31, upon receiving a complaint from a civilian alleging misconduct by a uniformed member of service, officers must report it to the Intake Unit at the Civilian Complaint Review Board. If the complaint cannot be immediately reported to the CCRB, the officer must at least provide the CCRB's contact information to the civilian. If a civilian does not wish to make the complaint immediately the officer is to provide him or her with a Civilian Complaint Report form and the CCRB's contact information (Board Review 06).

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 07).
- Police Officer Beharry has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 08).
- A Notice of Claim inquiry was submitted to the New York City Comptroller's Office on June 8, 2018, and it will be added to the case file upon receipt.

Squad No.: _____2_____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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